

AMENDED IN ASSEMBLY MAY 13, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2485

Introduced by Assembly Member Feuer

February 19, 2010

An act to amend Section 70617 of the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2485, as amended, Feuer. Uniform filing fees: counsel pro hac vice.

Existing law specifies various uniform fees for filing specified documents in connection with certain civil proceedings. The fee for filing in the superior court an application to appear as counsel pro hac vice is \$250.

This bill would increase the fee for filing in the superior court an application to appear as counsel pro hac vice to \$500. *This bill would provide for \$250 of the fee to be deposited into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund and for \$250 of the fee to be deposited into the Trial Court Trust Fund.*

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 70617 of the Government Code is
- 2 amended to read:
- 3 70617. (a) Except as provided in subdivisions (d) and (e), the
- 4 uniform fee for filing a motion, application, or any other paper

1 requiring a hearing subsequent to the first paper, is forty dollars
2 (\$40). Papers for which this fee shall be charged include the
3 following:

4 (1) A motion listed in paragraphs (1) to (12), inclusive, of
5 subdivision (a) of Section 1005 of the Code of Civil Procedure.

6 (2) A motion or application to continue a trial date.

7 (3) An application for examination of a third person controlling
8 defendant's property under Section 491.110 or 491.150 of the
9 Code of Civil Procedure.

10 (4) Discovery motions under Title 4 (commencing with Section
11 2016.010) of Part 4 of the Code of Civil Procedure.

12 (5) A motion for a new trial of any civil action or special
13 proceeding.

14 (6) An application for an order for a judgment debtor
15 examination under Section 708.110 or 708.160 of the Code of
16 Civil Procedure.

17 (7) An application for an order of sale of a dwelling under
18 Section 704.750 of the Code of Civil Procedure.

19 (8) An ex parte application that requires a party to give notice
20 of the ex parte appearance to other parties.

21 (b) There shall be no fee under subdivision (a) or (c) for filing
22 any of the following:

23 (1) A motion, application, demurrer, request, notice, or
24 stipulation and order that is the first paper filed in an action and
25 on which a first paper filing fee is paid.

26 (2) An amended notice of motion.

27 (3) A civil case management statement.

28 (4) A request for trial de novo after judicial arbitration.

29 (5) A stipulation that does not require an order.

30 (6) A request for an order to prevent civil harassment.

31 (7) A request for an order to prevent domestic violence.

32 (8) A request for entry of default or default judgment.

33 (9) A paper requiring a hearing on a petition for emancipation
34 of a minor.

35 (10) A paper requiring a hearing on a petition for an order to
36 prevent abuse of an elder or dependent adult.

37 (11) A paper requiring a hearing on a petition for a writ of
38 review, mandate, or prohibition.

39 (12) A paper requiring a hearing on a petition for a decree of
40 change of name or gender.

1 (13) A paper requiring a hearing on a petition to approve the
2 compromise of a claim of a minor.

3 (c) The fee for filing the following papers not requiring a hearing
4 is twenty dollars (\$20):

5 (1) A request, application, or motion for, or a notice of, the
6 continuance of a hearing or case management conference. The fee
7 shall be charged no more than once for each continuance. The fee
8 shall not be charged if the continuance is required by the court.

9 (2) A stipulation and order.

10 (3) A request for an order authorizing service of summons by
11 posting or by publication under Section 415.45 or 415.50 of the
12 Code of Civil Procedure.

13 (d) The fee for filing a motion for summary judgment or
14 summary adjudication of issues is two hundred dollars (\$200).

15 (e) The fee for filing in the superior court an application to
16 appear as counsel pro hac vice is five hundred dollars (\$500). This
17 fee is in addition to any other fee required of the applicant. ~~The~~
18 ~~entire~~ *Two hundred fifty dollars (\$250) of the* fee collected under
19 this subdivision shall be transmitted to the state for deposit into
20 the Immediate and Critical Needs Account of the State Court
21 Facilities Construction Fund, established in Section 70371.5. *Two*
22 *hundred fifty dollars (\$250) of the fee collected under this*
23 *subdivision shall be transmitted to the state for deposit in the Trial*
24 *Court Trust Fund, established in Section 68085.*

25 (f) Regardless of whether each motion or matter is heard at a
26 single hearing or at separate hearings, the ~~filing~~ fees required by
27 subdivisions (a), (c), (d), and (e) apply separately to each motion
28 or other paper filed. The Judicial Council may publish rules to
29 give uniform guidance to courts in applying fees under this section.